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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,390	05/03/2001	Tuomo Juvakka	11001.075	3090

7590 10/15/2002

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EXAMINER

HASTINGS, KAREN M

ART UNIT	PAPER NUMBER
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1731

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DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831390

Applicant(s)

Juvakka

Examiner

HASTINGS

Group Art Unit

1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/5/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-4 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 1 is indefinite; it is not appropriate to use the phrase "conventional" as used on line 7, this phrase needs to be deleted as it renders the claim indefinite. The definition of ~~conventional~~ may change over time, but even more importantly, there are myriad different doctor blade structures as exemplified by the applied references, thus they are all known and thus ~~conventional~~. Furthermore, merely reciting that one doctor blade is ~~conventional~~ does not automatically make it of a different structure than a doctor foil blade, since doctor foil blades are also known in the art (e.g. Kivimaa et al cited below)) and thus may be viewed as a ~~conventional~~ doctor blade also.

Note: The claims are now read in light of applicants amendments and arguments to require the use of a ~~doctor foil~~ suction effect shaped structure such as shown in Kivimaa et al (compare Kivimaa et al doctor blade shape to the shape of the first doctor blade 12 in Figure 1 and 2) and thus the 102

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rejection over Boucher et al is withdrawn. It is noted that any high speed roll running past even a simple bar shaped doctor blade will inherently create a foil suction effect, as even admitted on page 3 line 31 to page 4 line 2. However, since applicants are arguing that the doctor foil 12 is different than the doctor blade 13 as shown in their figures, the doctor foil will be interpreted accordingly to not encompass a straight blade.

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicants' admission of prior art at page 1 of the specification (AAPA) as necessary with Kivimaa et al., and further in view of Boucher, if necessary further with Turtinen et al and/or WO 279.

Applicants admit on page 1 of the specification that a suction roll doctor, that is a doctor slat, now termed doctor foil, which scrapes water off a suction roll, is known. This admission appears to be exemplified by Kivimaa et al.. See the structural similarity of Kivimaa's blade to doctor blade 12 of applicants figures.

Applicants further admit in the third paragraph of page 1 that a double doctor has been used for similar use (that is to remove water from a suction roll). It appears that applicants are saying that this prior art double doctor did not however use

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a "doctor foil" as taught in Kivimaa et al. to be particularly useful for taking water off of a suction roll. However it is the Examiner's position that it would have been prima facie obvious to use such a doctor foil in order to obtain the advantageous effects of a doctor foil as taught in Kivimaa et al. in a double doctor as admittedly known for removing water from a suction roll.

Further, it would have been prima facie obvious to use such a doctor foil for **either one or both** of the doctor blades in the known double doctor, since one would be merely using a known alternative doctor blade structure for another in one or both positions.

To optimize the spacing between the two doctor blades/foil and blade would have been within the level of ordinary skill in the art in order for both blades to function effectively and efficiently. However as even necessary, Boucher is cited since Boucher explicitly teaches that an angle of 15° between two doctor blades on a paper making roll is an appropriate spatial relationship. Thus to have used an angular spacing of 15° or more between the double doctor of the admitted prior art (and as necessary to have used a doctor ~~foil~~ slat as the first doctor blade as taught to be an advantageous doctor blade for a suction roll by Kivimaa) would have been prima facie obvious to one of

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ordinary level of skill in the art in order to obtain an appropriate spacing as taught in Boucher.

Note further that Boucher teaches a double doctor for a paper making roll. As shown in Figure 3 and discussed at column 4 lines 6-12 the positions of the blades may be 15° apart. Note column 1 lines 9-14 teach that the machine rolls can be used during the press forming etc. of the paper manufacturing process. Thus one would immediately envision that this double doctor could be used for a suction roll but in any event

Dependent claims are shown or suggested by the references. Note Turtinen et al. and WO 279 are cited if even necessary to further show the conventional use of double doctors for paper making rolls. Note particularly that WO 279 teaches double doctors on suction rolls are known (see page 2 lines 7-10).

Applicant's arguments filed August 5, 2002 have been fully considered but are not persuasive.

Applicants have amended the claims to recite a ~~doctor foil~~ in the first location and a ~~conventional doctor blade~~ in the second location. They argue this combination is not taught or suggested by the references.

The examiner respectfully disagrees for the reasons set forth in the rejection above. Furthermore, arguments that the claims require two different blade structures are not

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commensurate in scope with the claims, since the claims encompass a doctor foil in both locations - that is, a doctor foil clearly can be viewed as a conventional doctor blade as explained above.

Note further that Kivimaa et al. which is commonly assigned teaches a doctor foil slat which it also uses the term doctor blade for the structure of the doctor foil slat. Thus clearly there is no inherent structural distinction between a doctor blade and a doctor slat/foil, that is, a doctor foil slat can be viewed as a conventional doctor blade.

Applicants should clearly structurally further limit the shape of the first doctor blade and the shape of the second doctor blade relying on their figures for support in order for the claim to be commensurate in scope with their arguments. However, even with such an amendment, the examiner's position remains that it would have been prima facie obvious, absent any evidence of criticality or unexpected results, to use two conventional known yet different shaped doctor blades each which is known to function well for the same purpose of cleaning the roll surface, in the known double doctor blade structures.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P.

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.



Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
October 11, 2002

